



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
In re PATENT APPLICATION of

2633
#6
J. Epps
3/16/04

Applicants	:	Mikiya SUZUKI et al.)	Customer No.
)	*26694*
Appln. No.	:	09/824,643)	26694
)	PATENT TRADEMARK
Filed	:	April 4, 2001)	OFFICE
)	
For	:	WAVELENGTH DIVISION)	
		MULTIPLEX TRANSMISSION)	
		SYSTEM AND COMMUNICATION)	
		DEVICES)	
)	
Examiner	:	David Payne)	
Art Unit	:	2633		
Atty. Dkt.	:	32011-171033		

**PETITION TO RESET A PERIOD FOR REPLY DUE TO LATE RECEIPT OF
AN OFFICE ACTION PURSUANT TO MPEP 710.06**

RECEIVED

Assistant Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

FEB 27 2004

Technology Center 2600

Sir:

An Office Action dated January 16, 2004, together with copies of the references cited therein was received at the correspondence address of record of the undersigned on February 12, 2004. The shortened statutory period to respond was set to expire April 16, 2004.

In accordance with the criteria set forth in the MPEP 710.06, the undersigned encloses, as evidence to establish a delay in receipt of outgoing mail from the Office, a copy of the Office Action transmittal sheet (PTO-90C) having stamped thereon the date of receipt of the Office Action at the correspondence address.

The undersigned states that the date of receipt of the Office Action is February 12, 2004 at the correspondence address and further states that, as a strict procedure by the firm, the date of the receipt stamp indicates the day the stamped paper arrived at the correspondence address. Accordingly, it is submitted that the evidence being presented establishes the date of receipt of the Office Action at the correspondence address.

While the delay in receiving the Office Action is four days short of one month, applicants nevertheless believe that the circumstances in this application and overall fairness warrant, and therefore applicants hereby so petition, that the period for responding to the Office Action mailed January 16, 2004 be reset to run from February 12, 2004. Applicants further support their petition as follows:

A cursory review of the 20 page Office Action indicates what may be considered as an "extraordinary situation" noted in the MPEP section. There are roughly two dozen items, formal and substantive, which need consideration. Further, the applicants are foreign nationals residing outside the United States, employed by a foreign corporation whose local patent counsel in Japan is the direct client of the undersigned. This means that the complex Office Action has to be considered on at least three levels. Past experience has shown that even in normal Office Actions a three-month period is just barely sufficient to properly attend to the response to this client.

The delay in delivering the Office Action to the corresponding address of the undersigned was likely the result of the recent extraordinary security measures due to the Ricin found in the Senate Office buildings and related closure of several U.S. Post

Offices. Thus, the delay was not caused by any procrastination by either the Patent Office or the undersigned or anybody overseas. Therefore, in the very likely event that the response cannot be filed within the extension fee-free three-month period expiring April 16, 2004, an extension fee would be required which would be an unfair burden on the firm of the undersigned and/or applicants.

It is only the U.S. Patent and Trademark Office which is in a position to relieve applicants and the undersigned of this burden and it can do so without any undue work or expense.

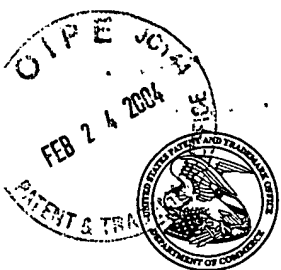
This Petition is being filed within two weeks of the receipt of the Office Action by the undersigned. Under the above present conditions it is therefore courteously requested that the petition be granted.

Respectfully submitted,

2-24-04
Date

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UNITED STATES PATENT AND TRADEMARK OFFICE

JRB

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,643	04/04/2001	Mikiya Suzuki	32011-171033	1366

26694 7590 01/16/2004

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EXAMINER

PAYNE, DAVID C

ART UNIT PAPER NUMBER

2633

DATE MAILED: 01/16/2004

DOCKETED
Response - 1st OA
CLIENT/MATTER # 171033 ATTY JRB
DUE DATE 4/16/04
FINAL DEADLINE 7/16/04
DKTED BY S2H

Please find below and/or attached an Office communication concerning this application or proceeding.

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